

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Aniano Torres-Mendez

v.

Case No. 09-cv-214-SM

New Hampshire State Prison, Warden

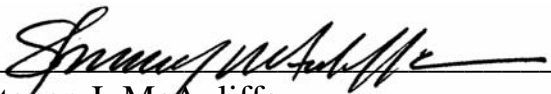
ORDER

I herewith approve the Report and Recommendation of Magistrate Judge Muirhead dated July 29, 2009, no objection having been filed, for the reasons set forth therein. The Petitioner's Eighth Amendment claim is hereby dismissed. The case is stayed as to the federal due process claim under the Fourteenth Amendment, which is pending in state court.

The petitioner is reminded that he is to file status reports with the court every ninety days on his efforts to exhaust state court remedies on the remaining claim.

SO ORDERED.

September 9, 2009



Steven J. McAuliffe
Chief Judge

cc: Aniano Torres-Mendez, pro se